



Entered on Docket  
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH  
OMNIBUS OBJECTION OF USACM  
LIQUIDATING TRUST TO DOUBLE  
COUNTED CLAIMS**

Hearing Date: October 19, 2009  
Hearing Time: 3:00 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourth Omnibus Objection of USACM  
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7500] (the  
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate  
4 notice of the Objection having been given; no response to the Objection having been filed;  
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7500] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

**USACM****Exhibit A  
Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
COOK JT TEN, ALDON G & DEEDRA	259 HAMMOCK TERRACE VENICE, FL 34293-1012	10725-02173	285,580.12	142,790.06
COSTA, ROSE M	101 SAN CARLOS AVE SAUSALITO CA 94965-2018	10725-01103	100,000.00	50,000.00
CYNTHIA G DAVIS LIVING TRUST	C/O CYNTHIA G DAVIS TRUSTEE 2465 TELLURIDE DR RENO NV 89511-9155	10725-01919	202,986.12	101,493.06
D G MENCHETTI LTD PENSION PLAN	C/O D G MENCHETTI TRUSTEE PO BOX 7100 INCLINE VILLAGE NV 89452-7100	10725-02307	280,000.00	140,000.00
DANIEL D NEWMAN TRUST DTD 11/1/92	C/O DANIEL D NEWMAN TRUSTEE 125 ELYSIAN DR SEDONA AZ 86336	10725-02030	1,428,037.34	714,018.67
DANIEL LIVING TRUST AS AMENDED DTD 1/9/98	MARK A & CATHY A DANIEL TTEES 20 REDONDA IRVINE CA 92620-1954	10725-02267	1,119,987.66	559,993.83
DANIEL, DEBORAH A	249 S VISTA DEL MONTE ANAHEIM CA 92807	10725-02035	404,753.90	202,376.95
DANIEL, GREGORY SCOTT	20 REDONDA IRVINE CA 92620	10725-02164	101,493.04	50,746.52